

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:
BLADIMIR DIAZ,
DEBTOR.

CHAPTER 13
CASE NO. 16-56038-MAR
JUDGE MARK A RANDON

TRUSTEE'S OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Now Comes the Chapter 13 Trustee, Krispen S. Carroll, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to E. D. Mich. LBR 3015-3(a) as follows:

1. Trustee requires debtor provide copies of all 2014 and 2016 W-2s/1099s and the 2014 income tax return, immediately, and a copy of the 2016 income tax return, when filed. Trustee notes that the § 341 First Meeting of Creditors has been held open for Trustee's receipt of debtor's 2014 tax return.
2. Trustee requires debtor to remit the 2016 income tax refund to the Trustee by a date certain.
3. As debtor has failed to commence payments, the Trustee requests a future default provision within debtor's Order Confirming Plan requiring debtor to remit payments timely. Should the debtor fail to remit timely payments the Trustee need only provide a Notice of Default providing debtor with 30 days to cure any delinquent payments, otherwise, the case would be dismissed without hearing upon the Trustee's affidavit.

4. Where an order excusing the Wage Order allowing for payments via ACH has been entered, Trustee requires debtor immediately provide the necessary documentation to allow electronic funds transfer to be effectuated.

5. Trustee questions debtor's valuation of the real property on Schedule A and requests a recent real property tax bill with State Equalized Value statement and any other documentation upon which debtor relies, as it may affect the best interest of creditors pursuant to 11 U.S.C. § 1325(a)(4).

6. Trustee requires verification of debtor's current Social Security benefits as it appears from the bank statements provided that Schedule I is overstated by \$252.00 and impacts feasibility.

7. The value of property to be distributed under the Plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate of the debtor were liquidated under Chapter 7, contrary to 11 U.S.C. § 1325(a)(4).

8. Based upon Trustee's calculations, debtor's Plan is underfunded.

9. The Trustee objects to the inconsistent statements regarding amount of attorney fees in debtor's 2016(b) statement and the Statement of Financial Affairs. Without this information, your Trustee is unable to properly administer this proceeding.

WHEREFORE, the Chapter 13 Trustee prays this Honorable Court deny confirmation of the debtor's Chapter 13 Plan.

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT
KRISPEN S. CARROLL, CHAPTER 13 TRUSTEE

January 27, 2017

/s/ Margaret Conti Schmidt
Krispen S. Carroll (P49817)
Margaret Conti Schmidt (P42945)
Maria Gotsis (P67107)
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CERTIFICATE OF MAILING

I hereby certify that on the date indicated below, I electronically filed **TRUSTEE'S
OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN** with the Clerk of the Court using
the ECF system which will send notification of such filing to the following:

FREE BANKRUPTCY EVALUATION
24725 W 12 MILE RD STE 110
SOUTHFIELD, MI 48034-0000

and I hereby certify that I have mailed by United States Postal Service the above
mentioned documents to the following non-ECF participants:

BLADIMIR DIAZ
35451 TOWNLEY DR
STERLING HEIGHTS, MI 48312-0000

January 31, 2017

/s/ Barbara A. Ecclestone
Barbara A. Ecclestone
For the Office of the Chapter 13 Trustee-Detroit
719 Griswold Street, Ste 1100
Detroit, MI 48226
(313) 962-5035
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